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Central Intelligence Agency



OLL: 83-2790/A

Washington, D.C. 20505

29 November 1983

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

This is in response to your request for my views on Enrolled Bill H.R. 2780, which would continue in effect the current certification requirements with respect to El Salvador. Under this provision, the President is required to certify to the Congress that the Government of El Salvador-

- (1) is making a concerted and significant effort to comply with internationally recognized human rights;
- (2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;
- (3) is making continued progress in implementing essential economic and political reforms, including the land reform program;
- (4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to-
 - (A) a renouncement of further military or paramilitary activity; and
 - (B) the electoral process with internationally recognized observers.

H.R. 2780 would continue this requirement through the end of Fiscal Year 1984, unless Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador.

On further close reflection, I urge that the President set the Bill aside ("pocket veto"). I understand that the National Security Council staff and the Department of Defense concur in this view.

The semi-annual certification has not worked in the past as a means of improving the human rights situation in El Salvador and



C-388

there is no indication it would do so in the future. The process as it is set up leaves no options but to choose between certification or cutting off assistance and this is viewed by both supporters and opponents of the El Salvador Government as an empty threat. Moreover, I view the Congressionally-imposed certification requirement as an undesirable limitation on Executive Branch ability to employ other means to achieve our objectives of support for democracy, economic improvement and opposition to extremism of the Left or the Right. Certification makes it difficult for the Administration to criticize the Salvador Government, while at the same time defend that same Government before the Congress. Thus, if the certification requirement is vetoed, the Administration would have greater flexibility and leverage to bring about positive changes in El Salvador.

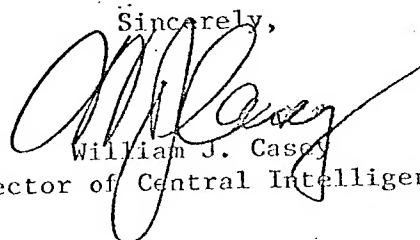
Enactment of this Bill could have an adverse impact on the current Government of El Salvador. The Salvadoran Government is presently beset by extremist violence on the Right and the largest coordinated guerrilla offensive in nearly two years. Presidential approval of this Bill could be the death knell for the provisional government and our hopes for elections in the Spring. The prospects of a right-wing coup would increase significantly with the approval of this Bill and a subsequent certification failure.

The certification cycle, every 180 days, provides a target date useful to the international Communist propaganda apparat in isolating El Salvador in the eyes of Western governments and public opinion. Both the violent Right and Left have increased the number of terrorist acts as time for certification approached, in an effort to prevent the El Salvador Government from receiving the assistance it requires in the struggle against both extremes.

Finally, the Foreign Assistance Act of 1961 already includes conditions on aid to governments which violate human rights. Congress has recently enacted additional conditions on military aid to El Salvador which require reform of the judicial system, implementation of the land reform program (including Presidential certification on progress), and rendering of a verdict in the trial of the National Guardsman accused of murdering five U.S. churchwomen in December 1980.

For the above reasons, I urge that the President set the Bill aside. A pocket veto precludes the necessity for a vote to override a Presidential veto and requires that the legislation be reintroduced next year. Hopefully, conditions at that time will have improved sufficiently to make such legislation unnecessary.

Sincerely,



William J. Casey
Director of Central Intelligence

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